

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, NOVEMBER 24, 2014, 7:00 P.M.**

Members Present: Chairman Martin, Aldr. Stellato, Aldr. Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Turner, Aldr. Bancroft, Aldr. Krieger, Aldr. Bessner, Aldr. Lewis

Members Absent: None

Others Present: Raymond Rogina, Mayor; Mark Koenen, City Administrator; Peter Suhr, Director of Public Works; Chris Adesso, Asst. Director of Public Works-Operations; Karen Young, Asst. Director of Public Works-Engineering; John Lamb, Environmental Services Manager; Tom Bruhl, Electric Services Manager; James Keegan, Police Chief; Joe Schelstreet, Fire Chief

1. Meeting called to order at 7:02 p.m.

2. Roll Call

K. Dobbs:

Stellato: Present
Silkatis: Present
Payleitner: Present
Lemke: Present
Turner: Present
Bancroft: Present
Martin: Present
Krieger: Present
Bessner: Present
Lewis: Present

3.a. Electric Reliability Report – Information only.

4.a. Presentation of a Proclamation in Recognition of Pat Boyle’s Leadership Role for the City of St. Charles Municipal Electric Utility.

Mayor Rogina presented Patrick Boyle with a Proclamation.

No further discussion.

4.b. Presentation of IMEA Honors St. Charles with Member Municipality of the Year.

Tom Bruhl presented. I would like to thank the Mayor and City Council for the Proclamation for Mr. Boyle. This is another one of Mr. Boyle's accomplishments that I aspire to achieve in my career.

Over the last 122 years, the City of St. Charles has been distinguished as a strong performer in the Electric Utility Industry. As you read the book that Mr. Boyle wrote titled "City Lights", you will notice the strong theme with regard to how Mr. Boyle and the Elected Officials of St. Charles created a culture of excellence and standards of quality that persist today. With that, we are proud to announce that the Illinois Municipal Electric Agency (IMEA), which Mr. Boyle was instrumental in founding, has recognized St. Charles as the Municipality of the Year.

I would like to highlight a few reasons why we were selected for this honor:

"St. Charles continues to take steps to upgrade and modernize its electric distribution system in an ongoing initiative to maintain an attractive, competitive position to help ensure future economic growth and development."

"The reliability index performance is top quartile. However, outage data is constantly monitored to focus efforts on projects that will have the highest possible impact on reliability."

"They have innovative programs for cable injection on residential direct bury systems, devote resources for overhead to underground conversions and are deploying Hendrix Arial Cable Systems in heavily treed areas."

I have previously brought these items to Committee for approval, and these are things that IMEA acknowledges are moving us in the right direction. They recognize our highly functional GIS system and most significantly for me, they recognize that the Electric Services Division of St. Charles worked over 62,000 man hours in 2013 without a single lost time accident and we proudly share our motto "Safe by choice, not chance".

I offer these details to reinforce the continued strong relationship between the standards that this body sets, the guidance and support that you give us and the actions that we take together to make a highly respected and strong performing utility. This is an award that the City of St. Charles can be proud of and I thank you for making it possible.

Chairman Martin: I would like to thank the Kiwanis Club for coming out to support Pat in this event tonight.

No further discussion.

4.c. Recommendation to approve and accept Easement at 3620 Swenson Avenue (Chicago Mold & Tool).

Tom Bruhl presented. This is a recommendation to approve an electric easement that was granted to us at 3620 Swenson Avenue, which is the Chicago Mold project. As part of the building addition done by Chicago Mold, they added another transformer and extended our primary system which required an easement to cover it so that we could own and maintain it in perpetuity. The easement also contains a storm water section.

Staff recommends approval of an easement at 3620 Swenson Avenue, and the authorization of the Mayor and City Clerk to execute same.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved by voice vote.
Motion carried

4.d Recommendation to approve Purchase of Return Activated Sludge Pump from Xylem Water Solutions USA, Inc.

John Lamb presented. This is a recommendation to approve the purchase of a Return Activated Sludge Pump for the Main Wastewater Treatment Plant. Staff requested four proposals and received two back. Based on those two proposals, Staff is recommending the purchase from Xylem. Although it is the higher of the two proposals, this pump does not require any modifications or any additional work. Staff is also requesting the formal bid process be waived, since Request for Proposals and Competitive Pricing was used in lieu of.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved unanimously by roll call vote. **Motion carried.**

4.e. Recommendation to approve Change Order No. 1 for Royal Fox I Lift Station Rehabilitation Project.

John Lamb presented. This is a recommendation to approve a Change Order for the Royal Fox I Lift Station which is located on Dunham and Royal Fox Drive. The Rehabilitation Project was approved by Committee in April 2014. Currently, staff does not have the ability to clean out or access this approximately 2,500 feet of main and this Lift Station receives material that requires cleaning and maintenance on a regular schedule; therefore we are asking approval of a Change Order in the amount of \$24,637.

Aldr. Silkaitis: I understand there were no clean outs installed when they built these, but do we put those in on the new ones we build now?

Mr. Lamb: Yes.

Aldr. Turner: These are budgeted items?

Mr. Lamb: Correct.

No further discussion.

Motioned by Aldr. Turner, seconded by Aldr. Silkaitis. Approved unanimously by voice vote. **Motion carried.**

4.f. Recommendation to approve Change Order No. 1 for the Illinois Street Siphon Rehabilitation Project.

John Lamb presented. Staff has had an ongoing program with several siphons in town; this is in regard to the Illinois Street Siphon that is currently being worked on. During the inspection and televising of the lines under Illinois Street, there were serious issues with the integrity of the pipes, which we could not see until the contractor started their work.

Staff is asking for approval of a change order in the amount of \$45,062 so we can address the pipe integrity issues and modification of the vault that exists on Illinois Street.

Aldr. Stellato: This is still within budget, even with the change order?

Mr. Lamb: Correct.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved unanimously by voice vote. **Motion carried.**

4.g. Recommendation to approve Change Order No. 9 for the Biosolids Building Construction Project.

John Lamb presented. This is Change Order No. 9 for the Biosolids Building project in the amount of \$17,405.66. The attached summary lists the miscellaneous items that are involved with the Change Order.

Aldr. Lemke: Is this the end of the Change Orders?

Mr. Lamb: This should be the final Change Order prior to close out.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

5.a. Recommendation to approve Ordinance Amendments to Title 5, “Business Licenses and Regulations,” Chapter 5.16 “Tobacco”.

Police Chief Jim Keegan presented. Before you this evening is a recommendation to approve an Ordinance Amendment to Title 5, Titled Business License and Regulations, Tobacco. As part of the City and Police Department’s ongoing efforts to enhance both compliance and accountability of tobacco retailers, the attached Ordinance addresses a few of the following:

The merger of the Tobacco Ordinance within the Liquor Commission, the consolidation of alternative nicotine products which are commonly referred to as E-Cigarettes, license accountability to the licensee, and a license structure. If I could, I would like to go through the attached Ordinance to highlight some of the major changes.

Alternative nicotine products are E-Cigarettes. We have had two establishments open in St. Charles in the last month, both along Main Street. This Ordinance treats alternative nicotine products very similar to tobacco products. Although alternative nicotine does not emit smoke and it does not contain tobacco, there is a nicotine product inside the E-Cigarette and it emits a water vapor into the air. This Ordinance treats those products the same as tobacco; the sale of those products will only be allowed to those over the age of 18. The use of those products will only be allowed outdoors or in certain establishments. Right now, the State of Illinois is silent on alternative nicotine products. The City of Chicago has an Ordinance in place that ours was modeled after.

Regarding licensing requirements; we have segregated tobacco licenses in the three areas. A retail tobacco dealer will be grocery stores and convenient stores; places where people go to buy products on a daily basis. The retail tobacco dealer will be the specialty store, and currently there are five stores within St. Charles.

The wholesaler tobacco dealer is the mass market like a cigar store where there is actually rolling or mass quantities being sold. We do not currently have such an establishment in St. Charles.

In regard to the application process, similar to what we currently do with the liquor process, there will be an application and vetting process for those that want to distribute and sell both tobacco and alternative nicotine products. We will look at their history within other municipalities as well as their history and compliance within the City of St. Charles.

There is an associated fee for these licenses; the tobacco dealer has a \$50 annual fee, the tobacco dealer has \$100 annual fee and the wholesaler dealer has a \$250 annual fee. Those are concurrent with our fiscal year which would be May 1 thru April 30. Some provisions in place with this Ordinance are consistent with what we currently do.

Minimum age to sell tobacco products and alternative nicotine products is 18. A person is allowed to sell over the counter at 16 years of age, so long as there is a 21 year old manager overseeing the transaction.

Because we have incorporated alternative nicotine products, possession is still going to be 18 years of age. A vending machine will have to have locking devices in place. If someone were to sell products to a person under 18, the seller would be held accountable through an Ordinance violation or State violation. Previously there was no structure in place for the licensee to have any accountability. Under this Ordinance, similar to liquor, not only will the person who is committing a violation of our Ordinances be held accountable, but the licensee will be held accountable moving forward.

Alternative nicotine products will be treated the same as other tobacco products in Smoke Free areas. There are exemptions; if you go to a specialty store, there will be an allowance to use that product inside that store. They will not be allowed to be used inside a restaurant, tavern or any public area within a closed door setting. The penalty is currently \$100-\$500 for a violation of the Ordinance. With the new licensee structure, the fines range from \$250-\$1,000.

I would implore the Committee to pass the Ordinance as presented. Although it is not of epidemic proportions, we don't have any problems within St. Charles, especially with the use of E-Cigarettes, we want to keep people free of second hand smoke or vapor. Bringing the license structure inside the Liquor Commission gives us a little more authority and responsibility to make sure our retailers are being responsible in who they sell to and who they distribute to.

Aldr. Turner: I would like to ask Rita, as a member of the Liquor Commission; do you feel this should be under the Liquor Commission?

Aldr. Payleitner: Yes, we all agreed it should be. There are similar processes involved.

Aldr. Lewis: Yes, we did discuss this at Liquor Commission and we all felt to have it under one Commission makes sense rather than under three different Commissions.

Aldr. Turner: Chief, is it written into the Ordinance that the Liquor Commission now has this authority?

Chief Keegan: Yes. Attorney McGuirk and I worked tirelessly on this. I neglected to mention that in years past, we subscribed to the Illinois Liquor Commission's Grant Applications each year to conduct compliance checks at tobacco retailers. If a minor went into an establishment and was sold tobacco products illegally, that clerk would be held accountable. There was never any structure in place to hold the licensee or the establishment accountable.

Mayor Rogina: We put the three elements in place to permit one Commission to hold due process; that's the important piece here.

Chairman Martin: Kristi, please call a roll.

K. Dobbs:

Bancroft: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Turner: Yes

No further discussion.

Motioned by Aldr. Turner, seconded by Aldr. Bancroft. Approved unanimously by roll call vote. **Motion carried.**

5.b. Recommendation to approve an Ordinance Amending Title 5, “Business Licenses and Regulations,” Chapter 5.20 “Massage Establishments”.

Police Chief Jim Keegan presented. Before you is a recommendation to approve an Ordinance amending Title 5, entitled Business License and Regulations, Chapter 5.20, Massage Establishments of the St. Charles Municipal Code. Before I begin with my remarks, I would like to state that this is a proactive Ordinance, and although we have only had isolated incidents of misuse or inappropriate behavior at massage establishments, this Ordinance is intended to protect and support legitimate business in town. In the same token, we would like to hold those accountable who operate underground or illegally. It’s important to note that this too, like the Tobacco Ordinance took time and consideration to make sure we had a good product before you this evening. I’m happy to say that this was drafted with the backing and support of the American Massage Therapy Association – Illinois Chapter. I would like to read into the record a paragraph from a letter from the Association.

“On behalf of the American Massage Therapy Association – Illinois Chapter, I am writing in support of the proposed massage establishment licensing Ordinance, Chapter 5.20, drafted by the City of St. Charles. AMTA-IL is a professional membership association representing more than 3,500 massage therapists in the State of Illinois. AMTA-IL appreciates the opportunity to work with the City of St. Charles in drafting and reviewing the proposed Ordinance. We understand and support the need to implement massage establishment licensing in St. Charles. While business establishment licensing can often place undue burden on massage therapists, we appreciate that the Ordinance drafted by the City respects the education, training and legitimacy of massage licensed therapists. Signed, Becky Strobel, President of AMTA-IL.

What you have in front of you this evening is a Massage Business Licensing Ordinance. Similar to what I discussed with tobacco, the purview of massage licensing will fall under the Liquor Commission. There will be an application process defined in the code, there will be licensing restrictions outlining conditions, rules, regulations and inspections within Code Enforcement and the Police Department. There will be a due process piece for license violations through the Liquor Commission including revocations, suspensions and fines.

Some key points of the Ordinance; a Massage Business License will be required and it will define that a person has to be 18 years of age; you have to be a licensed massage therapist, recognized by the State of IL through the Department of Professional Regulation. Who is exempt from such a license? Physicians, surgeons, chiropractors, athletic trainers, state licensed practical nurses, registered nurses, barbers and cosmetologists who are duly licensed under the law of the state shall be exempt from shoulder massages or clothed massages above the neck. Hospitals, sanitariums, nursing homes, home health agencies, massage therapists who administer massages only of the back and/or shoulder region.

How does the permitting process work? Similar to tobacco and liquor, there will be a vetting process where prospective applicants will complete an application packet, there will be a background investigation conducted by the Police Department; we will look at their criminal history and go through a finger print process. We want to make sure that those who are licensed go through a prevue to make sure where they had establishments prior or where they want to operate in St. Charles that they are the type of massage therapists that we have all grown to respect and make sure they conduct themselves in a legitimate fashion.

As for the term of the license, similar to tobacco and liquor, it will be a May 1 through April 30 effective date, so it will be a one year license. The application fee and process will be \$250 and the finger print fee will be \$50. It is important to note that we had a lot of conversations with the Massage Therapy Association; we looked at best practices and a lot of Ordinances from joining Municipalities and I'm happy to note that was supported and recommended by the Association.

Sanitation and safety requirements - this is where inspections are going to come into play. I talked about tobacco compliance checks; under State Grants, we send in under age patrons to make sure retailers aren't selling tobacco products unlawfully. Similarly with massage establishments, we will be conducting compliance checks. Another component of this Ordinance is that we will also be doing inspections. We will be coming into these establishments to make sure that the sanitation requirements that are outlined in front of you are being followed.

There will be a due process for the issuance and denial of licenses. Similar to taking a liquor license in front of the Commission, we will do the same thing with a massage license. The five Commissioners, including Mayor Rogina, the Chairperson, will have an

option to hear the background and see the business plan and business model in order to act accordingly. Obviously certain red flags are outlined in the Ordinance; if we see any history of inappropriate behavior or criminal activity, those folks will be denied and not allowed to operate a business within St. Charles.

Display of licenses – when we do inspections, we are looking for their license to be predominantly displayed. All the massage therapists must be registered and they too must have their licensure displayed openly for not only law enforcement to see, but patrons of the general public. We will look at sanitary conditions, their price rates must be posted and the employee dress code must be appropriate. Minors are prohibited within the establishments themselves; there will be no use of alcohol or drug use on premise. The hours of operation are stipulated within the Ordinance so there are stringent and prudent provisions of the Ordinance.

Prohibited acts and conditions – obviously it goes without saying that we will not tolerate, nor will we condone any inappropriate activity or behavior. Not only will the person be held accountable, but the licensee will be held accountable.

Enforcement – we will do compliance checks periodically with undercover police officers. We want to make sure that this industry and the folks that operate within St. Charles are doing so in a reputable and proper fashion. If there are sanctions or violations, those licensee violations will be brought forward to the liquor commission, so if a person is held accountable individually for committing a violation of criminal and/or local ordinance, that person will be held accountable in a court venue and the licensee will be brought in and cited in front of the liquor commission. Obviously fines are stipulated and covered within the code for any violations of this act. The Liquor Commission can hear anything ranging from revocation, suspensions and/or fines.

I implore the Committee to pass the Ordinance as presented.

Tony Carumi: I'm on the IL AMTA Chapter and I just wanted to come to support and say that we appreciate what you are doing.

Aldr. Bessner: Currently, what is the typical age for a minor to be able to get a massage? Is it 18?

Chief Keegan: Our Ordinance codifies that to administer a massage you have to be 18 years of age, as far as a recipient, there are no specifications covered in the Ordinance per se. We can incorporate that, but I would think you would have to have parental consent or a waiver signed.

Aldr. Krieger: Does each person employed by a massage parlor have to be licensed, or is it just the owner/operator?

Chief Keegan: The licensee will be issued the license, but each respective massage therapist will have to be vetted through the Commission. There has to be an ongoing

register, their licensure has to be posted in the establishment so that at compliance check, if they don't have that licensure from the State, it would be a violation against the licensee.

Aldr. Payleitner: I really appreciate the thoroughness of the Chief and his team; it appears all the bases are covered on this. I also appreciate the partnership as was spoken to tonight with the Professional Organizations and it shows the purpose of this Ordinance is protecting the legitimate businesses and I think that is pretty clear.

Chairman Martin: Kristi, please call a roll.

K. Dobbs:

Bancroft: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Turner: Yes

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved unanimously by voice vote. **Motion carried.**

5.c. Recommendation to Rescind the approved changes to the City of St. Charles City Code 10.40.040 – No Parking Places Designated – Prohibited Parking, Exhibit 33 in August 2014.

Police Chief Jim Keegan presented. This is a recommendation to rescind the approved changes to the City of St. Charles code 10.40.040, no parking places designated, prohibited parking, exhibit 33. Earlier this year, the owners of the Fox Run Apartment Complex on Walnut Drive in St. Charles approached the Police Department on parking modifications. The complex, as you know, was built in 1970. It has 220 units that are currently 96% occupied and there are 320 parking spaces striped within the complex. They approached the City to alleviate overcrowding and parking concerns of their three lots. Before it went to Council in July, it went to Committee and Council in June. There was some parking relief made available from Oak Street to the rental office, which was about 1,000 feet which allowed parking on the western curb side of the street. There are 16 single family homes that were affected on the other side of the street. The parking provisions currently in place prior to this change did not allow for any on street parking, either for the single family residents on the east side of the street or the apartment complex residents on the west side of the street. We, by Council approval, opted to allow

parking along the stretch that I previously mentioned. We have been working with the residents and some of them are here this evening. I'm here to report that obviously there are concerns here; I have been corresponding with the residents over the last month or so. We had a meeting on November 12 at the Fox Run Apartment Complex where a number of residents talked to City Staff including Third Ward Alderman Turner. It was the residents suggestion and recommendation that we bring this back to Council for review. It is my recommendation that after talking to all the folks involved, looking at the alternatives, that we rescind and return back to the parking regulations that we in place prior to the August 2014 modification.

We are going to have to monitor and work with the apartment complex moving forward; there are some parking concerns there, but the crowding and lane width issues and the amount of cars that Walnut has seen from Oak Street to the rental office has not been what we anticipated.

I recommend the Committee rescind and revert the parking regulations back to what was before August 2014.

No further discussion.

Motioned by Aldr. Turner, seconded by Aldr. Bancroft. Approved unanimously by voice vote. **Motion carried.**

6. Additional Business.

None.

7. Executive Session

None.

8. Adjournment from Government Services Committee Meeting.

Motion by Aldr. Stellato, seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. **Motion carried.**